

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

This amendment removes the remaining exclusions from Medicaid coverage for drugs to promote cessation of smoking. Public Law 111-148, the Patient Protection and Affordable Care Act, mandates coverage of smoking cessation products for pregnant women by October 1, 2010, and for all Medicaid members by January 1, 2014. State Medicaid Director Letter 11-007, published June 24, 2011, clarified that all smoking cessation products (legend and over-the-counter) must be covered. Currently, Iowa does not cover legend nicotine nasal spray and oral inhaler products. Because of the limited cost expected, the Department has decided to expand coverage for all members at this time for ease of administration.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on November 2, 2011, as **ARC 9835B**. This amendment was also Adopted and Filed Emergency and was published as **ARC 9834B** on the same date. The Department received no comments on the Notice of Intended Action. This amendment is identical to the amendment Adopted and Filed Emergency and published under Notice of Intended Action.

The Council on Human Services adopted this amendment on January 11, 2012.

This amendment does not provide for waivers in specified situations since it expands Medicaid coverage.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4 and Sections 4107 and 2502 of Public Law 111-148.

This amendment shall become effective on March 14, 2012, at which time the Adopted and Filed Emergency amendment is rescinded.

The following amendment is adopted.

Rescind and reserve subparagraph **78.2(4)“b”(4)**.

[Filed 1/11/12, effective 3/14/12]

[Published 2/8/12]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/8/12.